

WASHINGTON, DC—Congressman Joe Sestak (PA-07) today announced the introduction of H.R. 2223, the Patient Safety and Abuse Prevention Act, which will prevent those with criminal histories from working within long-term care settings by creating a comprehensive nationwide system of background checks. The legislation would expand a highly successful three-year pilot program, which prevented more than 7,000 applicants with a history of substantiated abuse or a violent criminal record from working with and preying upon our elders and individuals with disabilities in long-term care settings.

The bill is co-sponsored by Congress Members Vernon Ehlers (MI), Carolyn Kilpatrick (MI), Joe Courtney (CT), Ellen Tauscher (CA), and Fred Upton (MI), and is a companion to the Senate bill S. 631, introduced by Senators Herb Kohl (WI) and Susan Collins (ME).

“The measure of a society is how well it looks after its most vulnerable citizens,” said Congressman Sestak. “Every day, too many of our Nation’s seniors and disabled become victim to physical, emotional, or other abuse. This legislation will help prevent those abuses by ensuring that patients in long-term care will not be at the mercy of those with a violent or criminal past.”

“The current background check process does not work,” the Congressman continued. “The state-based system of checks is incomplete and inconsistent. Those who are unsuitable to be entrusted with the care of our seniors and disabled have too many opportunities to evade detection throughout the hiring process. Our most vulnerable citizens deserve better, demand better, and this bill is an important step in implementing the safeguards they need.”

Senator Kohl, Chairman of the Special Committee on Aging, welcomed the announcement, saying, “We have hard evidence that this policy will work and will protect lives. It is vital that this legislation moves quickly, and I look forward to working with the Finance Committee, the elder justice community, and Congressman Sestak in the House to make that happen.”

The bill calls for states to establish coordinated systems that include checks against abuse and neglect registries and a state police check, which facilities can utilize on a voluntary basis. It builds on a seven-state background check pilot program, enacted as part of the 2003 Medicare Modernization Act, which enabled seven states to make major improvements in their existing screening procedures of individuals applying for jobs in long-term care settings. The results of

this three-year pilot program were a success: more than 7,200 individuals with a history of abuse or violence were kept out of the long-term care workforce.

This measure adds a federal component to the background check process by screening applicants against the FBI's national database of criminal history records. Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our nation's nursing homes and other long-term care facilities. Because the current system of state-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from defenseless elders and disabled patients.

*Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.*

###